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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Kevin Richardson,

7 Plaintiff,

8 v.

9 State of Nevada,

10 Defendant.

Case No. 2:24-cv-01380-CDS-DJA

Order
and
Report and Recommendation

11 Before the Court is pro se Plaintiff Kevin Richardson's "motion for various relief." (ECF
12 No. 10). Plaintiff's motion is nearly impossible to decipher, although it appears that Plaintiff may
13 be attempting to provide additional legal bases for his case. (*Id.*). However, Plaintiff has yet to
14 file an application to proceed without paying the filing fee (*in forma pauperis*) or to pay the filing
15 fee, so his motion is premature. The Court thus denies it.

16 The Court also recommends dismissal of Plaintiff's case without prejudice for Plaintiff's
17 failure to follow Court orders to: (1) either pay the filing fee or file an application to proceed *in*
18 *forma pauperis*; and (2) update his address. On August 22, 2024, the Court informed Plaintiff
19 that he needed to either apply to proceed *in forma pauperis* or pay the filing fee to proceed with
20 this action. (ECF No. 4). The court gave him until September 23, 2024 to do so. (*Id.*). The
21 Court explained that "if Plaintiff does not file a fully complete application to proceed *in forma*
22 *pauperis* or pay the full \$405 filing fee for a civil action on or before **September 23, 2024**, the
23 Court will recommend dismissal of this action." (*Id.*) (emphasis in original). The Court later
24 extended that deadline to October 16, 2024, again reminding Plaintiff that failure to comply could
25 result in the recommended dismissal of the action. (ECF No. 9). In that order, the Court also
26 required Plaintiff to update his address. (*Id.*). The Court sent that order to Plaintiff and the order
27 was not returned as undeliverable.
28

On October 7, 2024, Plaintiff filed his “motion for various relief.” (ECF No. 10). To date, he has not filed an application to proceed *in forma pauperis* or paid the filing fee. He has also failed to update his address or confirm if his current address is correct. Because Plaintiff has missed both deadlines the Court provided for filing an application to proceed *in forma pauperis* or pay the filing fee, and has failed to update his address, the Court recommends dismissal of his case without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with the Court, under a new case number.

ORDER

IT IS THEREFORE ORDERED that Plaintiff’s “motion for various relief” (ECF No. 10) is **denied**.


RECOMMENDATION

IT IS THEREFORE RECOMMENDED that this case be **DISMISSED** without prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh’g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: October 30, 2024


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE